

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARGARET WAGNER,

Plaintiff,

vs.

BAYSTATE HEALTH, INC.,

Defendant.

CIVIL ACTION NO. 12-cv-30146-MAP

DEFENDANT'S MOTION TO AMEND ITS TRIAL EXHIBIT LIST

The Defendant, Baystate Health, Inc., hereby moves the Court to supplement its Exhibit List by identifying as Exhibits Plaintiff's income tax returns, including W-2s. These documents were inadvertently left off its Exhibit List included in the Joint Pretrial Memorandum filed with the Court. All documents were produced to Defendant by Plaintiff so there would be no "surprise" or prejudice to Plaintiff should they be allowed into evidence. Further, Plaintiff's counsel was notified on January 27, 2014, two weeks before the trial scheduled to begin on February 10th, that Defendant sought to amend its Exhibit List to include the tax returns, including W-2s.

Defendant will seek to introduce these documents into evidence to demonstrate Plaintiff's post-separation earnings. Defendant also seeks to introduce these documents as one of many examples of Plaintiff's failure to fully disclose her post-separation earnings. Indeed, in her Interrogatory Answers, Plaintiff swore that she had not been employed since her separation from employment with Defendant even though she had been employed by two different employers (Family Medical and Life Labs), as of the time she signed her Answers. (Exhibit 1 – Plaintiff's

AWARDED, with the understanding that references on the tax returns solely to Plaintiff's husband's earnings may be redacted. So ordered.
Michael G. Pomeroy 2.4.14